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STATUTORY RETURNS

Faerie Glen Skye: Lyn Michie - Warringah Art Exhibition entrant

Local Government Act 1993, Local Government (General) Regulation 2005 and other statutory information.

Local Government Act 1993

Section 428 (1)

Performance of Principal Activities in the Management Plan

Our performance against Principal Activities in the Strategic Community Plan 2010 is presented on pages 63 to 140.

Section 428 (4)

Financial Statements

Our audited Financial Reports for the 2010 - 2011 financial year commences on page 172.

Environmental Planning and Assessment Act 1979

Warringah Council did not enter into any planning agreements during 2010 - 2011.

Local Government (General) Regulations 2005

Clause 132

Rates and Charges Written Off 2010 - 2011

Written Off 2010 - 2011	
Rates abandoned (postponed)	\$9,422
Interest abandoned (postponed)	\$4,125
Interest abandoned (other)	\$3,181
Mandatory pension rebate	\$1,856,240
Voluntary pension rebate (rates)	\$128,800
Voluntary pension rebate (waste)	\$204,422
Total	\$2,206,190

Clause 217(1)(a)

Overseas Visits by Councillors or Council Staff 2010 - 2011

Nil.

Clause 217(1) (a1)

Councillors Facilities and Expenses

Facilities and Expenses	
Dedicated office equipment to Councillors (incl. computers)	\$3,707
Communication charges (including phone calls, facsimile and internet)	\$26,868
Seminars and conferences attended by Councillors	\$6,021
Councillor training and skills development	\$11,160
Interstate travel by Councillors	\$11,582
Overseas visits by Councillors	\$0
Expenses of spouse, partner, or person accompanying a Councillor	\$0
Provision of care for a child or family member of a Councillor	\$2,187
Other expenses	\$42,392
Total	\$103,917

Local Government (General) Regulations 2005

Clause 217(1) (a2)

Contracts Awarded in 2010 - 2011 for Goods and Services in Excess of \$150,000

Contractor	Good and services provided	Approx. value as approved by Council
AWT Survey Pty Ltd	Stormwater Asset Data Collection for Manly Flood Study	\$ 164,240 - eight months
Fleetwood Urban Pty Ltd	Construction of Narrabeen Lagoon Multi Use Trail - Stage 1	\$ 2,072,191 (excl. GST) for six months
Contract Control Services Pty Ltd	Upgrade Works to Dee Why and Civic Centre Buildings	\$ 1,335,046 (excl. GST) for 20 weeks
ESD Landscapes Contractors Pty Ltd	Manly Vale Playground & Community Gardens	\$227,314 – 8 weeks duration
Sinclair Knight Merz	Adams Street Oval Contamination Site Consulting Services	\$172,980.50 (incl. GST) one off
Gj's Landscapes Pty Ltd	Old Pittwater Road Park and Playground	\$203,704 (incl. GST) - one off
Panel of contractors: Amrod Pty Ltd (t/a Summit Fencing), Andrew Minter & Petrina Minter, Australian Areas Management & Repair P/L, Australian Bushland Restoration Pty Ltd, Australian Environmental Services Pty Ltd, Australian Feral Management Pty Ltd, Bateman, Pamela A (t/a Paper Bark Horticulture and Design), Bush It Pty Ltd, Dragonfly Environmental Pty Ltd, E.J Metzler & J.L Wood (t/a Indigo Nursery), Eminent Waste Pty Ltd (t/a All Types of Rubbish), ESD Landscape Contractors Pty Ltd / The National Trust of Australia (NSW) - Partnership, Fleetwood Urban Pty Ltd Harvest Seed Company Pty Ltd (t/a Harvest Seeds & Native Plants), Koltai, Jan Christine, Land and Property Management Authority (t/a Soil Conservation Service), Leslie, Steven William (t/a Peninsular Rural Land Management), Marc Stetner (t/a Apunga Ecological Management), Northside Enterprise Incorporated, P.G. Mithieux & A Mithieux (t/a Australian Bushland Construction), Sydney Bush Regeneration Pty Ltd, The Trustee for AUSTIN FAMILY TRUST (t/a Sydney Feral Animal Control), Sydney Weed & Pest Management Pty Ltd, The Wheelchair & Disabled Association of Australia (t/a House With No Steps), Toolijooa Pty Ltd, Total Earth Care Pty Ltd, Vallis, Erick Armand (t/a Terra Australis Regeneration), Waratah Eco Works Pty Ltd	Natural Environment Works Panel of Contractors	Estimated \$1 million over 3 years with an option for a further 2 years.
Sydney Civil Pty Ltd	The Strand, Dee Why - Streetscape Improvements	\$1,776,863 (inc GST) for 5 months
Group GSA Pty Ltd	Preliminary and Detailed Designs for Streetscape & Reserve Improvements at Collaroy Accessibility	\$177,100 (inc GST) – 8 months
Murphy's Facilities Services PTY LTD	Brookvale Oval Revitalisation Stage 2 - Existing Structural Steel, Concrete structure & Roof Works to Jane Try, Ken Arthurson and Southern Stand	\$1,289,942.15 ex GST – 6 months
DG Sundin & Co Pty Ltd	Middle Creek Amenity Upgrade Works	\$305,500 one off
Sub-Panel 1: Asphalt Laying Services Pty Ltd, Kizan Civil Pty Ltd trading as A J Paving, Stateline Asphalt Pty Ltd, Sydney Civil Pty Ltd Sub-Panel 2: Asphalt Laying Services Pty Ltd, Downer EDI Works Pty Ltd, Kizan Civil Pty Ltd trading as A J Paving, Stateline Asphalt Pty Ltd, Sydney Civil Pty Ltd	Minor Works Panel for Sub Panel 1 - Asphaltic Concrete Restorations Works Sub Panel 2 - Asphaltic Concrete Repair Patching Works	Two (2) years with three (3) twelve month extensions at Council's discretion Estimated qty: 1900 sq.m of restoration per annum and up to \$150,000 worth of repair patching
Total Earth Care Pty Ltd	Dee Why Rehabilitation and Cycleway	\$250,542.63 (exc GST) – 8 weeks

Clause 217(1) (a3)

Summary of Legal Proceedings

During 2010 - 2011 the following expenses were incurred in relation to legal proceedings:

Proceedings favourably finalised	\$833,082
Discontinued	\$ 31,326
Proceedings not favourably finalised	\$ 48,962
Proceedings not finalised	\$ 75,297
TOTAL	\$988,667

Discontinued

Warringah v King

Warringah v Nieass

Warringah v Hassan

Warringah ats Murray

Warringah ats Howard

Warringah ats Gibson

Warringah ats Vigormaster

Warringah ats Dyne

Warringah ats Gomes

Warringah ats John Colet Schools Inc

Warringah ats D Jones & Southern Cross Constructions

Warringah ats Wright

Proceedings Favourably Finalised

Warringah v McHardy\Warringah v Coffee Club 54

Warringah v Cheng

Warringah v Staniland

Warringah v Henderson

Warringah v Planning Outcomes

Warringah v Bruna & Anthoness

Warringah v Araise Property

Warringah v Brown

Warringah v Pryke

Warringah v Adams

Warringah v Westaway

Warringah v Manotik

Warringah v Peek

Warringah v Bobanovic & Li'o

Warringah v Vallaydam

Warringah v Lever

Warringah ats Lipman

Warringah ats Adavale Investments Pty Limited

Warringah ats Narrabeen Investments Pty Limited

Warringah ats Vigormaster

Warringah ats Saleh

Warringah ats Adams

Warringah ats WEM Properties

Warringah ats Hosking Munro

Warringah ats Freshwater Developments

Warringah ats Narabang Developments

Warringah ats Ma

Warringah ats Trustees of the Sisters of Good Samaritan

Warringah ats Franks

Proceedings not Favourably Finalised

Warringah v Leol

Warringah v Mistry

Warringah v Vinski & Somers

Warringah ats Georgouras

Warringah ats Chapman

Proceedings not Finalised

Warringah vs Kahwam

Warringah ats Young

Warringah v Ma

Warringah v Gow

Warringah v Ullrich

Warringah v Loel

Warringah v Diggins

Warringah v Smith

Warringah ats Trinity Early Learning

Warringah ats Clairleigh Holdings

Warringah ats Bokanovic

Warringah ats Greenwood

Warringah ats Watson-Broadfoot

Local Government (General) Regulations 2005

Clause 217(1) (a4)

Council Works on Private Land

Nil.

Clause 217(1) (a5)

Grants and Donations

2010/2011 Grants and Donations	Amount
Recipients	
Anglicare North Manly Daycare Centre	\$100
Artfocus Gallery and Studio	\$2,500
Ausdance NSW	\$2,500
Collaroy Surf Life Saving Club Inc	\$5,562
Computer Pals for Seniors Northern Beaches	\$2,950
Dee Why RSL Day Care Club	\$100
Dee Why School for Seniors	\$100
Dee Why Senior Citizens Club Inc	\$100
Dee Why Surf Life Saving Club	\$5,562
Eurofest Cultural and Sporting Association	\$5,000
Forest & Terrey Hills Seniors Club Inc	\$2,450
Freshwater Surf Life Saving Club	\$5,562
Harbord Diggers Daycare Club	\$100
Kaddy Transport	\$100
Koori Kids Pty Ltd	\$450
Learning Links	\$4,997
Lifestart Cooperative Ltd – Northern Beaches	\$2,564
Long Reef Surf Life Saving Club Inc	\$5,562
Manly Vale Community Garden	\$5,835
Manly Council – 'hop, skip jump' bus subsidy	\$18,500
Manly Warringah Pittwater Community Aid	\$3,800
Manly Warringah Pittwater Community Transport	\$3,000
Mosman Council –SNWRC project officer funding	\$1,500
Narrabeen Beach Surf Life Saving Club Inc	\$5,562
North Curl Curl Surf Life Saving Club Inc	\$5,562
North Narrabeen Surf Life Saving Club Inc	\$5,562
Northern Beaches Eisteddfod	\$5,000
Northern Beaches Food Services Inc	\$6,200
Northern Beaches Interchange	\$4,500
Northside Community Connect	\$50,734
Pacific and Maori 'Work on the Streets'	\$2,000
Peninsula Senior Citizen Toy Repair group	\$316
South Narrabeen Surf Life Saving Club	\$5,562
St John the Apostle community dinners	\$5,000
South Curl Curl Surf Life Saving Club Inc	\$5,562
Street Work Inc - Northern Beaches	\$5,000
Surf Life Saving Sydney Northern Beaches branch	\$11,680

Sydney Coastal Councils Group Inc.	\$21,320
Sydney Multicultural Festival Inc	\$5,000
Terrey Hills Community Library	\$19,931
The Book Lovers Warringah Inc	\$1,032
The Burdekin Association	\$12,300
The Young Love Foundation	\$5,000
Tibetan Community of Australia	\$10,000
Visually Impaired Persons Group	\$100
Warringah Pittwater SES	\$68,224
24/7 Youth Film Festival -Mosman Council	\$909
Total	\$340,952

Clause 217(1) (a6)

External Bodies with Council Delegated Authority

Warringah Development Assessment Panel independently determines major development applications.

Clause 217(1) (a7)

Council Controlled Companies

Kimbriki Resource Recovery Centre

Kimbriki Environmental Enterprises Pty Limited (KEE) operates a recycling and waste disposal centre at Kimbriki Road, Terrey Hills. Warringah Council is the major shareholder in KEE with 51% of shares. The remaining shares are held by Pittwater, Manly and Mosman Councils holding 34.45%, 10.75% and 3.84% of shares respectively.

KEE commenced operation on 1 July 2009 following the necessary authorisations pursuant to sections 358 and 625 of the Local Government Act.

Clause 217(1) (a8)

Partnerships, Cooperatives and Joint Ventures

Warringah Pittwater Rural Fire Committee

Warringah Council has a 50% interest in the assets and liabilities of a joint venture project with Pittwater Council for the provision, control and management of bush fires. The joint venture will continue on a year-to-year basis until dissolved in accordance with the terms of the deed of agreement. Both councils have signed a Service Level Agreement with the Commissioner of the NSW Rural Fire Services to cover the provision of these services.

Warringah Pittwater State Emergency Service

Warringah Council has a two-thirds interest in the assets and liabilities of the Joint State Emergency Service for Warringah - Pittwater.

Shore Regional Organisation of Council's (SHOROC)

Warringah Council is an equal member of SHOROC along with Manly, Mosman and Pittwater Councils. The SHOROC group develops and delivers regional strategies and initiatives of benefit to the member councils.

Clause 217(1) (a9)

Equal Employment Opportunities (EEO) Activities

Our Equal Employment Opportunity (EEO) Management Plan aims to ensure fair outcomes in all areas of employment including: recruitment, learning and development, performance management, equal access to information about Council policies, procedures and practices, supervision and management of staff and conditions of employment. It assists in redressing past disadvantages by improving employment outcomes for EEO group members - women, Aboriginal people and Torres Strait Islanders, people whose first language was not English, and people with a disability.

The EEO plan was revised during 2010 - 2011 to ensure consistency with Council's corporate direction and now incorporates a cultural awareness training requirement and EEO considerations contained within Council's Reconciliation Action Plan.

Principal policy areas reviewed during the period included recruitment and selection, data collection, and training related to cultural awareness and bullying and harassment, and since EEO policy and practice is subject to ongoing monitoring, management includes EEO as a regular agenda item at team meetings.

In conjunction with the Office of Internal Ombudsman a major education program was continued in respect to bullying and harassment.

In keeping with EEO plan requirements that procedures for dealing with grievances and investigating complaints of harassment and discrimination are established and promoted, information about Council's EEO policy and grievance procedure is provided to all new employees at the corporate induction. In addition, refresher courses (including Code of Conduct) are offered to staff every two years, and Human Resources staff are available to provide advice on grievance resolution at any time.

Clause 217 (1) (b) (c)

Senior Staff Salaries

Between 1 July 2010 and 30 June 2011 the following senior staff salaries were paid:

Council has four senior staff as defined by the Local Government Act (General Manager, Director Corporate Services, Director Strategic & Development Services and Director Community and Environmental Services). The all-inclusive remuneration packages that incorporate salary, employer superannuation, performance and higher duties payments and fringe benefits tax for the senior staff for the financial year ending 30 June 2011 were as follows:

	General Manager	Senior staff
Salary component of the package	\$313,551.01	\$650,633.81
Bonus, Performance and other payments	Nil	Nil
Councils contribution to superannuation	\$15,140.84	\$54,609.42
Non cash benefits accounted in the package	\$516.00	\$3,293.00
Fringe benefits tax for non-cash benefits	\$10,975.72	\$20,291.66
Total package	\$340,183.57	\$728,827.89

Clause 217 (1) (e) (e1)

Environmental Stormwater Special Rate Variation

The Environmental Stormwater Special Rate (ESSR) Levy commenced in 1996 and is funded by 6.9% of the ordinary rate. The ESSR Levy funds upgrades to the stormwater drainage system, water quality improvement works, coastal protection and enhancement, improved floodplain management, and the protection and restoration of important bushland areas. Following is a report on expenditure from the program during 2010 - 2011, including statements for any reason in variation in original versus actual budget expenditure.

Local Government (General) Regulations 2005

Capital Works	Original ESSR budget 2010/11	Actual ESSR expenditure	Total budget 2010/11	Total expenditure 2010/11	Reason for variation
Dee Why CBD Upgrade	\$700,000	\$488,669	\$700,000	\$488,669	Project commenced with consultant appointed for design. Delays have been experienced due to issues arising from options investigations.
South Creek Cycleway	\$216,000	\$184,000	\$312,612	\$207,606	Delays experienced in detailed design and the need to seek additional funding from Council. Project completion anticipated July 2011.
21 Ryan Place Stormwater Works	\$437,777	\$413,237	\$437,777	\$426,778	Stormwater components completed. Minor delays due to site rectification.
Collaroy Stormwater Outlet	\$0	\$10,765	\$200,000	\$46,142	Project delays due to non-conforming tenders. Re-tendering required. Project carried forward to 11/12.
Emergency Stormwater Works	\$230,000	\$700,006	\$230,000	\$700,006	Increased expenditure to cover emergency works and contracts.
Total	\$1,583,777	\$1,796,677	\$1,880,389	\$1,869,201	

Operational Works	Original ESSR budget 2010/11	Actual ESSR expenditure	Total budget 2010/11	Total expenditure 2010/11	Reason for variation
Natural Environment – Strategic Outcomes	\$842,279	\$1,093,206	\$2,417,911	\$2,405,293	Result of reduced contributions. Increased expenditure is balanced by decreased expenditure in Natural Environment - Projects program.
Natural Environment - Projects	\$1,918,448	\$1,616,933	\$1,868,262	\$1,623,335	Staff vacancies and reduced expenditure in materials and contracts when compared with original budget.
Natural Environment – Business Systems	\$85,160	\$104,234	\$83,541	\$104,234	Increased salaries.
Natural Environment – Major Projects	\$1,091,020	\$1,227,074	\$1,090,589	\$1,229,309	Increased expenditure for stormwater maintenance
Total	\$3,936,907	\$4,041,447	\$5,460,303	\$5,362,171	

Clause 217 I (f)

Companion Animals Act and Regulation

Lodgement of Pound Data Collection Returns with the Department

The data collection returns were lodged with the Division of Local Government on 12 July 2011. A total of 37 cats and 440 dogs were transferred to Council's pound facility in 2010 - 2011 of these eight cats and 419 dogs were released back to their owners. Eight cats and two dogs were re-homed directly from the pound while five cats and 17 dogs were sent to a re-homing organisation. Two cats died at the pound due to illness or injury.

Reporting Dog Attacks to the Department

This occurs within 72 hours of the attack being reported to Council. Thirty Four dog attacks were reported to the Department of Local Government during 2010 - 2011. This was an increase of five on the previous year.

Expenditure on Companion Animal Management and Activities

Some \$151,297 was spent on the management of companion animals and related activities.

The funds were dispersed as follows.

Employment related costs	\$85,563
Pound Fees	\$27,964
Advertising/promotion	\$13,121
Materials/consumables	\$18,464
Other	\$6,185
Total	\$151,297

The Department of Local Government contributed \$63,525 towards these costs.

Companion Animal Community Education Programs Carried Out

As part of Councils ongoing pet education strategy a number of new initiatives were undertaken. Council joined forces with Ku-ring-gai and Pittwater Councils to host three different free pet education nights. These focussed on pet health and welfare, including how to address problems such as barking or attacking dogs. Pets for small places were also discussed on one night due to the growing number of people living in medium density housing.

New educational brochures on owning a dogs and cats were produced. These give information on both requirements of owners under the Companion Animals Act 1998 as well as other useful information relevant to the local area and general pet ownership. The dog brochure included an updated list of dog unleashed exercise areas as well as a list of prohibited areas. Both can be either obtained from the Civic Centre or downloaded from Council's pet section of the website.

Warringah's Dogs Big Day Out was held on Sunday 29 August at Lionel Watts Oval. This attracted over 4,000 people with their dogs for a fun but educational day. Demonstrations on agility and obedience were enlightening while Dr Joanne Righetti spoke about fighting boredom in pets. A number of veterinarians and welfare groups were on hand to answer questions on dog ownership.

The pets section of Council's website was regularly updated to allow for easy access to pertinent information on responsible pet ownership in the area.

Council continues to hand out "pooch pouches" for owners to put dog waste collection bags in attached to the dogs lead as well as cat collars with bells to promote responsible pet ownership.

Local Government (General) Regulations 2005

Strategies Council has in Place to Promote and Assist in the Desexing of Dogs and Cats

Council promotes the desexing of dogs and cats through its educational activities including the promotion of desexing in council publications.

Operation Cat was carried out in June in collaboration with the Cat Protection Society. Pensioners and Health Care Card Holders were offered substantial discounts on both microchipping and desexing their cats. Cats were picked up by volunteers from the Cat Protection Society and returned later in the day after the procedures were carried out.

Strategies to Seek Alternatives to Euthanasia for Unclaimed Animals

Council has a no kill policy at its pound for re-homable animals and has arrangements with the Animal Welfare League, Cat Protection Society and RSPCA to take unclaimed dogs and cats that are suitable for re-homing (i.e. not dangerous).

Due to the large numbers of cats in particular needing homes a number of animals were advertised in the staff newsletter as well as in the local paper for sale. Council also worked with pet shops in the area to re-home a number of kittens.

As a result of the strategies in place no re-homable animals were euthanased.

Off-Leash Areas Provided in the Council Area

Warringah has eight unleashed dog exercise areas with an additional four available at restricted times. This includes the four additional areas that were added as permanent during 2010. The new sites were

- Currie Road, Forestville
- Truman Reserve, Cromer
- Beacon Hill Oval, Beacon Hill (restricted hours)
- Melwood Oval, Forestville (restricted hours)

A dog swimming area is also available at Curl Curl lagoon.

Our aim is to provide more accessible options for residents to take their dogs for a walk and let them off the leash safely, while also protecting our natural environment and considering the needs of the wider community. We will continue to review these as required.

Government Information (Public Access) Act 2009

Review Under Section 7 (3)

The vast majority of Council-held information requested by members of the public relates to development applications. Warringah Council has a program in place to digitise all records currently held in non-digital formats. The first phase of this program has been to digitise all records relating to development applications. This program will result in the proactive release of a significant amount of Council's information.

Schedule 2 Statistical Information About Access Applications

Table A: Number of Applications by Type of Applicant and Outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm / deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private Sector Business	0	0	0	0	0	0	0	0
Not for Profit Organisations or Community Groups	0	0	0	0	0	0	0	0
Members of the Public (application by legal representative)	1	2	0	0	0	0	0	0
Members of the Public (other)	1	3	1	0	1	0	0	0

Table B: Number of Applications by Type of Application and Outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm / deny whether information is held	Application withdrawn
Personal information applications	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	2	4	1	0	1	0	0	0
Access applications that are partly personal information applications and partly other	0	1	0	0	0	0	0	0

Government Information (Public Access) Act 2009

Table C: Invalid Applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (Section 41 of the Act)	0
Application is for excluded information of the agency (Section 43 of the Act)	0
Application contravenes restraint order (Section 110 of the Act)	0
Total Number of applications received	0
Invalid applications that subsequently became valid applications	0

Table D: Conclusive Presumption of Overriding Public Interest Against Disclosure: Matters Listed in Schedule 1 to Act

	Number of Times Consideration Used
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0

Table E: Other Public Interest Considerations Against Disclosure: Matters Listed in Table to Section 14 of Act

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	1
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timelines

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	7
Decided after 35 days (by agreement with applicant)	2
Not decided within time (deemed refusal)	0
Total	9

Table G: Number of Applications Reviewed Under Part 5 of the Act (by Type of Review and Outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by ADT	0	0	0
Total	0	0	0

Table H: Applications for Review Under Part 5 of the Act (by Type of Applicant)

	Number of Applications for Review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

